Planning Commission 101:
The Nuts and Bolts of Planning

Panelists

» David Early, AICP, Senior Advisor, PlaceWorks
» Marc Roberts, City Manager, City of Livermore
» Anders Hauge, Planning Commissioner, Placer County
Topics

» Source of Power to Regulate Land Use
» General Plans
» Zoning
» California Environmental Quality Act (CEQA)
» Role of the Planning Commission

Land Use Regulation

» Arose from “good government” movements as a response to unsanitary urban conditions
» Embodied desire to rein in private market excesses through government regulation
» Based on local government’s Police Power: health, safety and welfare
Key Milestones -- Nationwide

» 1909 Los Angeles imposes first zoning ordinance limiting industrial uses (not comprehensive)
» 1916 New York imposes first comprehensive zoning ordinance
» 1922 Standard State Zoning Enabling Act (SZEAA)
» 1926 Euclid v. Ambler – upholds constitutionality of zoning

Key Planning Milestones -- California

» California has long been a leader in planning and land use regulation:
  • 1927 California passes law requiring that cities and counties have a Master Plan
  • 1928 Standard City Planning Enabling Act (SPEA)
  • Zoning and planning laws have changed faster in California than the rest of the country due to rapid growth
Land Use Regulation Today

- Only two plan types are defined in California law:
  - General Plans lay out a jurisdiction’s future development plans through a series of policy statements in text and map form
  - Specific Plans are a special set of development standards that apply to a particular geographical area
- Zoning provides detailed land use and design regulation.
- Other planning documents include Master Plans, Area Plans, Vision Plans, etc., but these are not defined in the law.

Policy Plans and Regulations

- GENERAL PLAN
  - Specific Plans
  - Coastal Plans
  - Zoning
  - Design Guidelines
- Subdivision Maps
- Development Permit
- Conditional Use Permits
- Variances
- Capital Improvements

Long-Term More General

Short-Term More Detailed
General Plans

» Bedrock of California planning; required by State Law
» The “constitution” for planning and development
» Provides long-range vision for conservation and development (20-30 year horizon)
» Basis for local land use decisions
» Identifies important community issues
» Promotes community participation
» Sets the ground rules

Required General Plan Elements

- Land Use
- Housing
- Circulation
- Conservation
- Open Space
- Noise
- Safety
- Air Quality
- Environmental Justice
Additional General Plan Topics

INTEGRATE INTO MANDATED ELEMENTS

Sustainability
Healthy Communities
Climate Change / Resiliency
Urban Design / Livability / Quality of Life

GENERAL PLAN

General Plan Content

» Vision
  ▪ Aspirational statements describing the desired, positive future for the community.
  ▪ An image of the future that the community wishes to create.
  ▪ Succinct description of community values.

» Goals
  ▪ Ideal future end that is an expression of community values. May be abstract.
  ▪ Not quantifiable or time-dependent.

» Objectives
  ▪ Intermediate or achievable steps to
  ▪ Generally quantifiable, with achievement desired in a set period of time.
General Plan Content

» Policies
  ▪ Specific statement that guides decision-making.
  ▪ Rule or measure establishing a required level of quality or quantity to be fulfilled by others.

» Actions (Implementation Programs)
  ▪ Action, procedure, program, or technique that carries out a general plan policy

» Indicators
  ▪ Measures that show whether the community is achieving its goals and objectives.

Typical General Plan Land Use Plan
General Plans - Typical Circulation Map

Housing Element

» Updated based on schedule in State law (4 or 8 years)
» Certified by the State’s Department of Housing and Community Development
» Annual report to the State on implementation

» Required Contents
  • Regional Housing Needs Assessment (RHNA)
    ▪ Housing need by income category
  • Specific sites zoned for housing at appropriate densities
  • Policies to facilitate housing development
  • Actions to remove barriers to housing production
Housing Element Law

» Legislature and Governor seek to address State Housing Crisis

» Key legislation passed in 2017 and 2019
  • SB 35: Requires approval of affordable projects meeting certain criteria as of right.
  • SB 330:
    ▪ Prohibits:
      ○ Lessening allowed densities (“downzoning”)
      ○ Application of non-objective standards to housing projects
      ○ Housing development moratoria and growth limitations adopted after 2005
    ▪ Sunsets in 2025.
  • Multiple other bills

SB 2 (2017)

» Established a permanent source of funding to increase affordable housing stock in California.

» Half of 2018 funding ($125 million) dedicated to technical assistance for local government.

» 2019 and onward, about $250 million per year for housing construction.
AB 101: 2019-2020 Budget Act

Funding
LEAP and REAP Grant Programs

Incentives
Prohousing Designations

Accountability
Housing Element compliance

AB 101: LEAP / REAP Grants

» LEAP:
  • Population less than 20,000: $65,000 grant
  • Population 20,000 to 60,000: $150,000 grant
  • Population 60,000 to 100,000: $300,000 grant
  • Population 100,000 to 300,000: $500,000 grant
  • Population 300,000 to 750,000: $750,000 grant
  • Population over 750,000: $1,500,000 grant

» REAP:
  • COGs, Regions and independent counties get an amount equal to the amounts received by their members
AB 101: Prohousing Communities

» Creates new designation for “prohousing” communities.
  • Meet all basic housing element and fair housing requirements.
  • Implement additional prohousing policies.

» State will make additional funds available to communities that earn the prohousing designation.

Zoning

» Ordinance that implements and is consistent with General Plan policies

» Prescribes allowable land uses and development standards including:
  ▪ Building uses.
  ▪ Building size (height, lot coverage and setbacks).
  ▪ Landscaping.
  ▪ Signs and billboards.
  ▪ Parking requirements.
  ▪ Other performance standards.
**Zoning**

» **Traditional “Euclidean” Zoning**
- Based on identification and separation of uses.
- Focuses on:
  - Uses
  - Intensity
  - Setbacks
  - No emphasis on building form

» **Form Based Zoning**
- Based on building form and design.
- Focuses on:
  - Building design and mass.
  - Building scale, type and context.
  - Relationship of buildings to public space.
  - Design of streets and public realm.
- **Key Components**
  - Building form.
  - Building frontage.
  - Building type.
  - Roadways.
  - Public spaces.
  - Architectural detail.
California Environmental Quality Act (CEQA)

Goals

» Inform decision-makers about environmental effects.
» Identify ways to avoid environmental damage.
» Prevent avoidable environmental damage.
» Disclose to the public why a project is needed, even if it results in environmental damage.
» Foster intergovernmental cooperation.
» Enhance public participation in decision-making.

Purpose of Environmental Documents

» Informational document that analyzes potential effects, tradeoffs and mitigation when considering a project.
» Identifies potential impacts, and where possible, mitigation measures City can apply to prevent or eliminate impact.
» Disclosure document vs. legislative document.
» Does not prohibit a jurisdiction from adopting a project.
CEQA Documents

- Categorical Exemption
  - Minor changes that do not trigger environmental review.

- Initial Study (IS)
  - Determines whether the project may have a significant effect on the environment (also known as “the checklist”).

- Negative Declaration (ND)
  - If project found to have no significant effect on the environment.

- Mitigated Negative Declaration (MND)
  - If IS shows effect, a MND may be prepared if revisions to project plans can avoid or mitigate effects.

- Environmental Impact Report (EIR)
  - If IS identifies potential significant effects that cannot be eliminated through redesign.

Role of the Planning Commission

- Creation of Plans and Regulations
- Plan and Regulation Amendment
- Implementation (Project Review and Approval)